

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BETTY S. CLAY,

Plaintiff,

v.

Civil Action No.2:08-CV-25

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

**ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS**

On January 28, 2008, Betty S. Clay, ["Plaintiff"], filed a complaint for review of Defendant's denial of her application for Social Security benefits pursuant to 42 U.S.C. § 405(g) and 42 U.S.C. § 1381(c)(3) and an Application for Leave to Proceed in forma pauperis. On February 4, 2008, the Court Ordered Plaintiff to complete the District's new IFP form. Plaintiff filed the completed form on February 15, 2008.

Plaintiff's application reveals she is not employed and has received no income for the past twelve months. She does not have any cash or money in a checking or savings account. She does not possess any assets. Her monthly expenses total \$1016.00.

Accordingly, it is **ORDERED** that Plaintiff's January 28, 2008 Application to Proceed in forma pauperis is **GRANTED**, and that Plaintiff be permitted to prosecute said action to its conclusion without prepayment of costs or giving security therefore and without prepayment of United States Marshal fees, and, pursuant to Fed.R.Civ.P. 4(c)2, the United States Marshal is directed to effect service of process.

It is **ORDERED** that any recovery in the action will be subject to payment of costs and fees, including a \$350.00 filing fee and service of process fee.

The Clerk is directed to transmit copies of this Order to counsel of record herein.

IT IS SO ORDERED.

DATED: February 20, 2008

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE